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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,531	08/01/2001	George Hines	P5685	5961

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EXAMINER

BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 07/07/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

File

Office Action Summary

Application No.

09/920,531

Applicant(s)

HINES, GEORGE

Examiner

Scott T Baderman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 4,8 and 14-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. Claims 4, 8 and 14-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5-7 and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown (6,738,928).

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As in claim 1, Brown discloses a method for troubleshooting a computer system that comprises receiving, at a location remote to the computer system, a request for problem analysis for the computer system in response to an occurrence of a problem (i.e., a crash) (Figure 2, column 1: line 65 – column 2: line 5, column 5: lines 17-30), receiving data corresponding to the computer system comprising a core file from the computer system and supplemental configuration information (e.g., the type and version of the operating system) (Figure 2, column 1: line 65 – column 2: line 5, column 2: lines 24-39, column 3: lines 13-20, column 4: lines 19-26), accessing a knowledge store storing phases, wherein each phase includes a set of scripts adapted to identify previously identified computer problems (Figures 2 and 4, Abstract, column 1: lines 39-44, column 2: lines 24-39, column 3: line 43 – column 5: line 12), performing a phased analysis of the computer system data (via the analysis engine) that comprises completing at least two of the phases (first and second pass) from the knowledge store (Figure 4, column 4: line 19 – column 5: line 12), and generating an output report including a list of the computer problems identified (matched) during the performing (Figure 2, Abstract, column 2: lines 31-39, column 3: lines 48-55).

As in claim 2, Brown discloses wherein the core file comprises a memory image created by the computer system in response to a kernel error, a hardware error, an application error, or other computer system error (Abstract, column 1: lines 22-29, column 3: lines 13-23).

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As in claim 3, Brown discloses wherein each of the phases includes an optimization mechanism (process as described in column 4: lines 38-62) operable such that the phases executed in the performing process is less than the set of the phases, wherein the optimization mechanism functions to check a list of static preconditions and to compare the static preconditions to the received computer system data (column 4: line 19 – column 5: line 12).

As in claim 5, Brown discloses wherein the data receiving process includes communicating with the computer system from the remote location over a communications network (Figure 2, column 1: line 66 - column 2: line 5, column 5: lines 17-30).

As in claim 6, Brown discloses wherein the phased analysis performing process includes parsing the computer system data into a source independent format and wherein the parsed computer system data is used as input for subsequent ones of the analysis phases (Figures 2 and 4, column 2: lines 31-39, column 3: line 43 – column 5: line 12).

As in claim 7, Brown discloses wherein the phased analysis performing process comprises a sequential analysis using the analysis phases to process a memory image from the computer system to create at least one corrective action for inclusion in the output report (Figures 2 and 4, Abstract, column 2: lines 31-39, column 4: line 19 – column 5: line 12).

As in claim 9, Brown discloses wherein the analysis phases each generate an intermediate output report for use by later performed ones of the analysis phases and for inclusion in the

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output report (Figure 4, column 4: line 38 – column 5: line 12).

As in claim 10, Brown discloses a service guru system for at least partially automatically processing a core file and supplemental data (e.g., the type and version of the operating system) from a computer system to identify problems and recommend corrective actions (Figure 2, Abstract, column 2: lines 31-39, column 4: lines 19-26) that comprises a memory device for storing descriptions of previously identified problems (Figure 2, column 1: lines 39-44, column 2: lines 31-39), the memory device configured with executable scripts adapted for running (via the analysis engine) within the service guru system (Figure 2, column 2: lines 31-39, column 3: lines 43-55), and a service guru tool (analysis engine) linked to the memory device to access and run the executable scripts to process the core file and the supplemental data from the computer system to identify matching ones of the previously identified problems (Figure 2, Abstract, column 2: lines 31-39, column 3: lines 43-55).

As in claim 11, Brown discloses wherein the service guru tool is further configured to create an output report including at least one of corrective actions, patch recommendations, workarounds, reference documentation, or bug descriptions that are determined by the service guru tool to be relevant to the computer system (Figure 2, Abstract, column 2: lines 31-39, column 3: lines 43-55).

As in claim 12, Brown discloses wherein the service guru tool is located on an analyst node that is communicatively-linked with a communications network, wherein the computer

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system is communicatively-linked to the computer system (Figure 2, column 1: line 66 – column 2: line 5, column 5: lines 17-24), and the service guru tool is configured for accessing the computer system to obtain a memory image and to retrieve additional configuration and other system information from the computer system (Figure 2, Abstract, column 1: line 66 – column 2: line 5, column 2: lines 31-39, column 4: lines 19-24).

As in claim 13, Brown discloses a method for reactively troubleshooting and proactively controlling problems on a computer system that comprises collecting data corresponding to the computer system (Figure 2, Abstract, column 2: lines 31-39), accessing a knowledge store of previously identified computer system problems (Figure 2, Abstract, column 1: lines 39-44, column 2: lines 31-39), parsing the collected data into a context-free, language-independent format (Figure 2, column 2: lines 31-39, column 3: lines 43-47), building a list of analysis phases to run on the collected data (Figure 4, column 4: line 38 – column 5: line 12), running each phase in the list using the collected data (Figure 4, column 4: line 38 – column 5: line 12) and generating an analysis report based on output data from at least some of the analysis phases run (Figures 2 and 4, Abstract, column 2: lines 31-39, column 3: lines 43-55, column 4: line 38 – column 5: line 12).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See Form PTO-892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Scott T Baderman
Primary Examiner
Art Unit 2113

STB